

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1381	Case Officer:	Stefan Galyas
Application Type:	Householder Application		
Proposal:	Proposed balcony to the rear of existing dwelling, including new door in existing window opening.		
Site:	Bramble Rough, Birchgrove Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7BU, ,		
Validation Date	3 Jun 2026	Overall Expiry Date:	29 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	21 Jul 2026
Target Date:	29 Jul 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	21 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1381

**Bramble Rough, Birchgrove Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7BU,
Proposed balcony to the rear of existing dwelling, including new door in existing window
opening.
Mr Jan Chmiel**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

None received.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: No response received.

INTRODUCTION

The application seeks planning permission for a single storey rear extension which would accommodate an outdoor balcony and an alteration which would turn a window into a doorway.

RELEVANT PLANNING HISTORY

There is no recent history of planning applications relating to the site.

SITE AND SURROUNDINGS

The application relates to Bramble Rough, a detached three storey dwelling which is set between Birchgrove Road to the south-east and School Lane to the north. The dwelling is served access from Birchgrove Road through a brick paved driveway and a mature front boundary hedge immediately abuts the roadside. Garden amenity space warps around nearly the entirety of the dwelling with an existing terrace area to the north-east of the property. The land falls away sharply moving north with further mature boundary hedging acting as the rear boundary treatment.

The sites locality features a small cluster of dwellings within and nearby the junction of Birchgrove Road and School Lane. There is an overriding verdant character to the area owing to its countryside and rural setting.

With regard to policy constraints, the site is located outside of any defined settlement boundary. The site is also set within the High Weald National Landscapes (formerly Area of Outstanding Natural Beauty).

APPLICATION DETAILS

The proposal would develop a single storey rear extension which would accommodate a balcony. The proposed extension would measure at approximately 2.5m in length, 3.5m wide and 3.6m high. The proposal would be composed of wood-effect composite decking, a frameless glass balustrade and painted steel supporting columns.

The proposed development would also replace an existing window serving the existing kitchen at ground floor level and would replace it with a translucent glazed doorway.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and the Horsted Keynes Neighbourhood Plan (Made March 2018).

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12: Protection and Enhancement of the Countryside

DP16: High Weald Area of Outstanding Natural Beauty

DP26: Character and Design

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Neighbourhood Plan

Horsted Keynes Neighbourhood Plan (Made May 2023)

Policy HK4: Maintaining Local Character and Good Quality Design

Policy HK5: Infill Development and Domestic Extensions

Policy HK9: The High Weald Area of Outstanding Natural Beauty

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPB3 - Conservation Areas

DPC1 - Protection and Enhancement of the Countryside

DPC4 - High Weald Area of Outstanding Natural Beauty

DPN8 - Light Impacts and Dark Skies

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 11, 39, 48, 131, 135, 139 & 189.

High Weald AONB Management Plan 2024-2029

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- Character and Design
- Protection, Conservation and Enhancement of the High Weald and Countryside
- Impact on Neighbouring Amenities
- Biodiversity Net Gain

Character and Design

Policy DP26 of the District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*

The Horsted Keynes Neighbourhood Plan states under Policy HK4 that:

'All development should maintain the distinct local character and demonstrate good quality design. This means recognising the significance of the village setting, responding to it, and integrating with local surroundings and landscape context as well as the existing built environment and in particular:

- o achieving high quality design that respects the scale, bulk and character of existing and surrounding buildings; and*
- o ensuring proposals relate to established plot widths within streets where development is proposed, particularly where they establish a rhythm to the architecture in a street; and*
- o using good quality materials that complement the existing palette of materials used within Horsted Keynes; and*
- o demonstrating where possible innovation to achieve low carbon sustainable design (as per policy HK11); and*
- o adopting the principles of sustainable urban drainage, where applicable (as per policy HK12); and*
- o respecting the natural contours of the site and protecting and sensitively incorporating well-established natural features of the landscape including trees, species-rich hedgerows and ponds within the site; and*
- o providing sufficient external amenity space, refuse and recycling storage and car and bicycle parking to ensure a high quality and well managed streetscape.'*

With regards to domestic extensions, the Neighbourhood Plan states under HK5:

'Proposals for infill development and domestic extensions within the built-up area boundary will be supported where they comply with the following criteria:

o the spacing between buildings reflects the character of the street scene (in the case of domestic extensions, the scale, height and form must fit unobtrusively with and be subservient to the existing building); and

o existing gaps between buildings which provide important views out of the village to the surrounding countryside (as referenced within paragraph 5.29 above) are retained; and

o materials are compatible with materials of existing/surrounding buildings; and

o suitable access and on-site parking is provided without detriment to neighbouring properties; and

o there is no unacceptable harm to the amenity of adjoining residents in respect of access, noise, privacy, daylight, sunlight and outlook is retained.

o Preserving and enhancing heritage assets and their wider settings, including conservation areas, listed buildings and areas of archaeological interest (see also policy HK6).'

Principle DG49 of the Mid Sussex Design Guide states:

'Extensions should typically use simple, uncomplicated building forms to compliment and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise, it should demonstrate the appropriateness of the alternative approach.'

Principle DG51 of the Design Guide notes the following for development sited to the rear of the property:

'Rear extensions which are not visible from the street and do not negatively impact on neighbouring properties can be expressed in many forms, including by adopting a contemporary architectural approach. With reference to DG49, they should nevertheless have consideration for the character of the existing building and the relationship of the extension with the side boundaries and adjacent buildings and gardens.'

Whilst the proposed extension would be sited to the rear of the property, it would still be perceivable from the public domain along School Lane to the north, albeit with views partially screened by the boundary hedgerow.

It is considered that the proposed glazing to be used to the balcony would likely give rise to a more contemporary appearance. Furthermore, the proposal would likely be read as a relatively lightweight structure due to the use of supporting pillars rather than solid walls. It is considered that by virtue of this lightweight structure and the single storey size, the proposed extension would appear subservient towards the existing dwelling.

As such, it is considered that the proposal would comply with Policy DP26 of the Mid Sussex District Plan, Policies HK4 and HK5 of the Horsted Keynes Neighbourhood Plan and the relevant paragraphs of the NPPF.

High Weald AONB

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CROW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CROW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CROW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs'*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Policy DP16 of the District Plan requires proposals in the AONB to conserve or enhance natural beauty.

The Horsted Keynes Neighbourhood Plan notes among other matters in Policy HK9 that development proposals in the High Weald AONB should conserve and enhance in a manner appropriate to its scale,

nature and location. Developments should respect the existing settlement pattern of the parish and use local materials.

Paragraph 189 of the NPPF is also relevant as it states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection in relation to these issues.'

With regard to development within the countryside, Policy DP12 of the District Plan states that:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

o it is necessary for the purposes of agriculture; or

o it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'

In this instance, the proposal is considered to conserve the landscape quality of the AONB and countryside due to it being viewed within the existing established residential curtilage. As such, the proposal would comply with the requirements of Policies DP12 and DP16 of the District Plan, Policy HK9 of the Horsted Keynes Neighbourhood Plan, all the requirements of the High Weald Management Plan and the NPPF.

Impact on Neighbouring Amenities

Policy HK5 of the Horsted Keynes Neighbourhood Plan states that proposals should not cause 'unacceptable harm' to adjoining neighbouring amenity whereas policy DP26 of the MSDP states that development should not cause 'significant harm' to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, Policy HK5 of the Horsted Keynes Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes unacceptable harm to neighbouring amenities as outlined above.

There is an existing residential dwelling positioned to the north of the application site across the road at Flower Garden Cottage. Due to the drop in land levels moving north, this nearby dwelling is sited at a lower finished floor level than the property subject to the current application. There are several window openings to the principal (south-west) and side (north-east) elevations at this nearby property.

The dwelling at Flower Garden Cottage would be sited approximately 23m away from the proposed balcony. Moreover, Flower Garden Cottage is orientated so that no window openings look directly back towards the application site. It is considered that the mature boundary screening would help in obscuring views from the balcony towards the nearby cottage. The distance of 23m is considered to be sufficient to overcome a unacceptable overlooking impact towards the neighbouring dwelling.

Accordingly, the proposal is considered to comply with the provisions of policy DP26 of the Mid Sussex District Plan and policy HK5 of the Horsted Keynes Neighbourhood Plan in terms of neighbouring amenities.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

In conclusion, the proposal is appropriate in terms of design and will not negatively impact on the host dwelling, its immediate setting or the High Weald Area of Outstanding Natural Beauty or the countryside and will not result in harm towards neighbouring amenities.

The proposal will comply with Policies DP12, DP16 and DP26 of the District Plan, Policies HK4, HK5 and HK9 the Horsted Keynes Neighbourhood Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas